

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTHONY T. ARMIJO,

Applicant,

v.

CV 07-1066 JH/WPL

GEORGE TAPIA, WARDEN, AND
THE ATTORNEY GENERAL OF
THE STATE OF NEW MEXICO,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition and Anthony T. Armijo's objections thereto. (Doc. 26, 30.) In his objections, Armijo contends that the magistrate refused to consider all the facts and misconstrued both the facts and the law. After conducting a *de novo* review, I find these objections to be without merit. Armijo also asserts that he is entitled to an evidentiary hearing. Because his claims can be resolved on the basis of the record, however, a hearing is not necessary. *See Parker v. Scott*, 394 F.3d 1302, 1324 (10th Cir. 2005).

IT IS THEREFORE ORDERED that:


1) the Magistrate Judge's Proposed Findings and Recommended Disposition are adopted as an order of the Court;

2) the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (Doc. 1) is denied;

3) Armijo's motions for summary judgment (Doc. 3, 10) are denied;

4) Respondents' motion to dismiss (Doc. 17) is granted; and

5) this cause is dismissed with prejudice.



JUDITH HERRERA
UNITED STATES DISTRICT JUDGE